

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CAITLIN H. DICKERSON,

Plaintiff,

v.

CUSTOMS AND BORDER PROTECTION,

Defendant.

19 Civ. 9017 (JLC)

**STIPULATION AND ORDER
OF DISMISSAL OF
PLAINTIFF'S CLAIM FOR
ATTORNEYS' FEES AND
COSTS**

WHEREAS, on or about September 27, 2019, Plaintiff Caitlin Dickerson (“Plaintiff”) and former Plaintiff The New York Times Company (the “Times”)¹ filed this suit pursuant to the Freedom of Information Act, 5 U.S.C. § 552 (“FOIA”), seeking the release of certain records by Defendant Customs and Border Protection (“CBP”) in connection with FOIA requests submitted by the New York Times Company to CBP dated August 5, 2019 (the “FOIA Requests”);

WHEREAS, on June 11, 2021, pursuant to a stipulation between the parties, this Court dismissed this action with prejudice; provided, however, that the Court retained jurisdiction to adjudicate a request by Plaintiff for attorneys’ fees and costs under 5 U.S.C. § 552(a)(4)(E);

WHEREAS, the parties wish to resolve Plaintiff’s claim for attorney’s fees and costs consensually without further litigation;

WHEREAS, IT IS HEREBY STIPULATED, AGREED, and ORDERED as follows:

¹ The New York Times Company’s claims against CBP were dismissed pursuant to a stipulation and order of dismissal dated December 22, 2020, *see* Dkt. No. 41.

1. After the Court has approved and docketed this Stipulation and Order, within a reasonable period of time, the CBP shall pay to Plaintiff via electronic funds transfer the sum of FIFTEEN THOUSAND DOLLARS (\$15,000) in attorneys' fees and litigation costs, pursuant to 5 U.S.C. § 552(a)(4)(E), which sum Plaintiff agrees to accept in complete satisfaction of any and all claims by Plaintiff for attorneys' fees, expenses, costs, interest, and any other sums related to this litigation. CBP will undertake its best efforts to pay the amount agreed to within 60 days after the Court has endorsed the Stipulation and Order. Counsel for Plaintiff will provide the necessary information for CBP to effectuate payment.

2. Plaintiff's claim for attorneys' fees and litigation costs is dismissed with prejudice.

3. This Stipulation and Order shall not constitute an admission by CBP that Plaintiff is entitled to any attorneys' fees or litigation costs.

4. The parties agree that this Stipulation and Order will not be used as evidence or otherwise in any pending or future civil or administrative action against CBP, the United States, or any agency or instrumentality of the United States.

5. The parties understand and agree that this Stipulation and Order contains the entire agreement between them, and that no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the parties or their counsel that are not included herein shall be of any force or effect.

6. Any obligation of the Government to expend funds under this Stipulation and Order is subject to the availability of appropriations in accordance with the Anti-Deficiency Act, 31 U.S.C. § 1341. This Stipulation and Order shall not be construed to require the Government to obligate or pay funds in contravention of the Anti-Deficiency Act.

Dated: New York, NY
November 18, 2021

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United States Attorney for the Southern
District of New York

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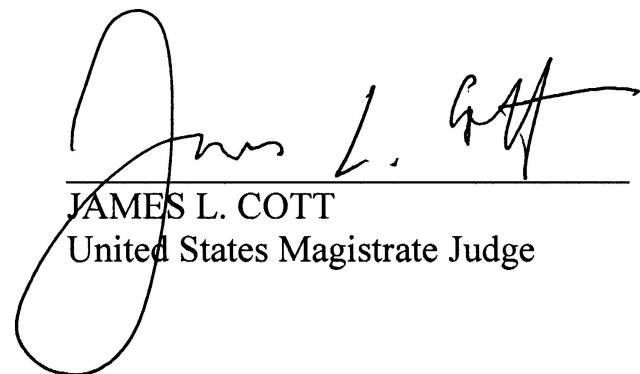
CAITLIN H. DICKERSON

/s/ Laura Handman
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Counsel for Defendant

Counsel for Plaintiff

SO ORDERED:



JAMES L. COTT
United States Magistrate Judge

Dated: New York, NY
November 19, 2021